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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,518	10/07/2003	Louis Gerber	BOV1-36182	5030

116 7590 12/13/2007

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EXAMINER
GUZMAN, APRIL S

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
12/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/680,518	GERBER ET AL.	
	Examiner	Art Unit	
	April S. Guzman	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 May 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/21/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Examiner acknowledges the receipt of the Applicant's amendment filed on 05/21/2007. Claim 1 has been amended. **Claims 1-10** are still currently pending in the present application.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Orten (WO 2003/056875 A1)** and further in view of **Anderson (U.S. Patent # 5,721,783)**.

Consider **claim 1**, Orten teaches wireless microphone (read as microphone 1) comprising a radio transmitter (read as radio unit 14) for transmitting radio signals (Figure 4, Figure 5, page 5 lines 29-33, and page 6 lines 1-21),

wherein the wireless microphone comprises at least one coupling element (read as contact pins 17) for detachably fixing one of various interchangeable functional modules to the wireless microphone, said coupling element comprising electrical contacts for electrically connecting the interchangeable functional module to the wireless microphone when the interchangeable functional module is fixed to the wireless microphone by means of said coupling element (Figure 4, Figure 5, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

However, Orten fails to teach carrying audio signals to a hearing aid.

In the related art, Anderson teaches carrying audio signals to a hearing aid (column 3 lines 52-67, and column 4 lines 1-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Anderson into the teachings of Orten for the purpose of providing a remote processor unit that wirelessly receives signals from and transmits signals to the earpiece of a hearing aid and to provide a new and useful auditory aid for hearing impaired persons by removing audio signal enhancement functions from the earpiece and placing them in the RPU.

Consider **claim 2, as applied to claim 1 above**, Orten as modified by Anderson further teach wherein the coupling element constitutes a bidirectional electrical interface between the wireless microphone and the interchangeable functional module fixed to the wireless microphone (Orten – Figure 4, Figure 5, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

Consider **claim 3, as applied to claim 1 above**, Orten as modified by Anderson further teach wherein the coupling element is designed to fix the interchangeable functional module to the wireless microphone by mating with a coupling element of the interchangeable functional module (Orten – Figure 4, Figure 5, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

Consider **claim 4, as applied to claim 1 above**, Orten as modified by Anderson further teach wherein electronic modules of the wireless microphone are connected to one or more of the electrical contacts for bidirectional exchange of electrical signals between said electronic modules and the interchangeable functional module fixed to the wireless microphone (Orten – Figure 4, Figure 5, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

Consider **claim 5, as applied to claim 1 above**, Orten as modified by Anderson further teach wherein the wireless microphone comprises an electronic control module (read as base

module 9 which contains the processor equipment), said electronic control module being connected to one or more of the electrical contacts for exchanging electrical control signals with the interchangeable functional module fixed to the wireless microphone (Orten – Figure 4, Figure 5, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

Consider **claim 6, as applied to claim 5 above**, Orten as modified by Anderson further teach wherein the wireless microphone comprises operating elements (read as circuitry devices), said operating elements being connected to the control module, and said control module being designed for transferring electrical control signals to the interchangeable functional module fixed to the wireless microphone in response to operation of said operating elements (Orten – Figure 4, Figure 5, page 4 lines 8-12, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

Consider **claim 7, as applied to claim 1 above**, Orten as modified by Anderson further teach wherein the wireless microphone comprises an electronic audio processing module, said electronic audio processing module being connected to one or more of the electrical contacts for exchanging electrical audio signals with the interchangeable functional module fixed to the wireless microphone (Orten – Figure 4, Figure 5, page 4 lines 8-17, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

Consider **claim 8, as applied to claim 1 above**, Orten as modified by Anderson further teach wherein the wireless microphone comprises an electronic audio processing module, said electronic audio processing module being connected to one or more of the electrical contacts for receiving electrical control signals from the interchangeable functional module fixed to the wireless microphone (Orten – Figure 4, Figure 5, page 4 lines 8-17, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

Consider **claim 9, as applied to claim 1 above**, Orten as modified by Anderson further teach wherein the radio transmitter is connected to one or more of the electrical contacts for exchanging electrical signals with the interchangeable functional module fixed to the wireless microphone (Orten – Figure 4, Figure 5, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

Consider **claim 10, as applied to claim 1 above**, Orten as modified by Anderson further teach wherein the wireless microphone comprises a power source module, said power source module being connected to one or more of the electrical contacts for supplying power to the interchangeable functional module fixed to the wireless microphone and/or for receiving power from the interchangeable functional module fixed to the wireless microphone (Orten – Figure 4, Figure 5, page 4 lines 8-28, page 4 lines 30-33, page 5 lines 1-15, page 5 lines 17-21, page 5 lines 29-33, and page 6 lines 1-21).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: see PTO-892 Notice of References Cited.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April S. Guzman whose telephone number is 571-270-1101. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lana Le can be reached on 571-272-7891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April S. Guzman
A.S.G/asg

12/07/07

LANA LE
PRIMARY EXAMINER